

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

JOHN KINNUCAN AND BROADBAND  
RESEARCH CORPORATION,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: APR 01 2014  
DATE FILED: APR 01 2014

12 Civ. 1230 (AJN)

**FINAL JUDGMENT AS TO DEFENDANT JOHN KINNUCAN**

WHEREAS, the Securities and Exchange Commission (“Commission”) having filed a Complaint on February 17, 2012, the Commission having filed a motion for summary judgment against Defendants John Kinnucan and Broadband Research Corporation on March 22, 2013, and the Court having issued a Memorandum and Order dated March 25, 2014 finding that Defendants violated Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], now therefore:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant Kinnucan and Defendant’s agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Exchange Act and Rule 10b-5 promulgated thereunder, by using any means or

instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Kinnucan is liable for disgorgement of \$1,583,445.96, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$ 199,301.14, and a civil penalty in the amount of \$4,750,337.88 pursuant to Section 21A of the Exchange Act [15 U.S.C. § 78u-1]. Defendant Kinnucan shall satisfy this obligation by paying \$6,553,492.98 to the Securities and Exchange Commission within 14 days after entry of this Final Judgment. Defendant Kinnucan is liable for the entirety of this amount on a joint and several basis with Defendant Broadband Research Corporation.

Defendant Kinnucan may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Defendant Kinnucan may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

Enterprise Services Center  
Accounts Receivable Branch  
6500 South MacArthur Boulevard  
Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; John Kinnucan as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

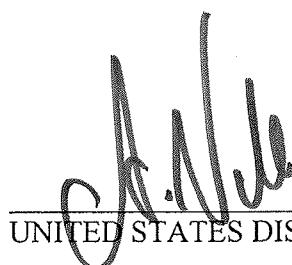
Defendant Kinnucan shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Defendant Kinnucan relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Defendant Kinnucan. The Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury.

The Commission may enforce the Court's judgment for disgorgement and prejudgment interest by moving for civil contempt (and/or through other collection procedures authorized by law) at any time after 14 days following entry of this Final Judgment. Defendant Kinnucan shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

Dated: April 11, 2014



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UNITED STATES DISTRICT JUDGE